



Attorney Docket No. SMTR001/02US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Brad W. BLUMBERG et al.

Serial No.: 09/774,119

Examiner: Julio R. Perez

Confirmation No.: 1143

Art Unit: 2681

Filed: January 31, 2001

For: POSITION-BASED INFORMATION ACCESS DEVICE AND METHOD OF
SEARCHING

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

RECEIVED

JAN 23 2004

Technology Center 2600

**Petition to Reset a Period for Reply Due to Late Receipt of an Office Action
Under MPEP § 710.06**

In accordance with the Manual of Patent Examination Procedure ("MPEP") § 710.06, the Applicants respectfully request that the Commissioner reset the period for reply due to late receipt of an office action for the above-referenced patent application. This petition sets forth the criteria outlined in MPEP § 710.06 to reset a period for reply due to late receipt of an Office action and provides evidence and statements establishing that all of the criteria outlined in MPEP § 710.06 are met in this case.

According to the MPEP § 710.06, "[t]he Office will grant a petition to restart the previously set period for reply to an Office action to run from the date of receipt of the Office action at the correspondence address when the following criteria are met:

(A) the petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address;

(B) a substantial portion of the set reply period had elapsed on the date of receipt (e.g., at least 1 month of a 2- or 3- month reply period had elapsed); and

(C) the petition includes (1) evidence showing the date of receipt of the Office action at the correspondence address (e.g., a copy of the Office action having the date of receipt of the Office action at the correspondence address stamped thereon, a copy of the envelope (which contained the Office action) having the date of receipt of the Office action at the correspondence address stamped thereon, etc.), and (2) a statement setting forth the date of receipt of the Office action at the correspondence address and explaining how the evidence being presented establishes the date of receipt of the Office action at the correspondence address.”

Accordingly, the Applicants set forth the following evidence.

1. An Office action in the above-referenced patent application was received at the correspondence address on January 9, 2004. This petition is dated January 22. Thus, this petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address.

2. The Office action in the above-referenced patent application was dated October 24, 2003 and set a 3 month shortened statutory period for reply. The Office action was received at the correspondence address on January 9, 2004. Thus, a substantial portion (i.e., more than 2 months of the 3 month reply period) of the set reply had elapsed on the date of receipt of the Office action at the correspondence address.

3. The Applicants submit the following evidence showing the date of receipt of the Office action at the correspondence address:

(a) a copy of the Office action received in the above-referenced patent application having the date of receipt of the Office action at the correspondence address stamped thereon is attached as Exhibit A;

(b) the mail logs (in redacted form to preserve client confidential information) for October 24, and 27-31, 2003 and November 3, 2003 listing all of the patent-related mail received at the correspondence address between October 24, 2003 and November 3, 2003, are attached as Exhibits B through H, respectively; and

(c) the mail log (in redacted form) for January 9, 2004 listing all of the patent-related mail received at the correspondence address on January 9, 2004 is attached as Exhibit I.

4. The Applicants make the following statements setting forth the date of receipt of the Office action at the correspondence action and explaining how the evidence being presented establishes the date of receipt of the Office action at the correspondence address:

(a) as indicated by the date stamp on the Office action for the above-referenced patent application, the Office action was received at the correspondence address on January 9, 2004;

(b) during each business day, the mail received at the correspondence address is collected, date stamped, and listed on the daily mail log;

(c) during each business day that immediately follows a non-business day(s), the mail received at the correspondence address during such non-business day(s) is collected, date stamped, and listed on the daily mail log;

(d) as indicated by the mail logs from October 24, 2003 through November 3, 2003, the Office action was not received at the correspondence;

(e) as indicated by the mail log from January 9, 2004, the Office action was received at the correspondence address on January 9, 2004; and

(f) The Applicants' representative submits that no redacted portion of any mail log attached hereto has any bearing on this petition.

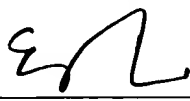
The facts of the present case, along with this petition, meet all of the criteria set forth by MPEP § 710.06 to reset a period for reply due to late receipt of an Office action. Accordingly, prompt and favorable consideration of this petition is respectfully requested.

Dated: JANUARY 22, 2004

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193314 v1/RE
455%011.DOC

Respectfully submitted,
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By:



Erik B. Milch
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JAN 22 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,119	01/31/2001	Brad W. Blumberg	SMTR001/02US	1143

22903 7590 10/24/2003

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11951 FREEDOM DRIVE, SUITE 1700
ONE FREEDOM SQUARE- RESTON TOWN CENTER
RESTON, VA 20190-5061

EXAMINER

PEREZ, JULIO R

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

JAN 22 2004

Encl:
Duo:
Encl:
COOLEY GODWARD LLP

07

Office Action Summary



Application No.

09/774,119

Applicant(s)

BLUMBERG ET AL.

Examiner

Julio R Perez

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimoto et al. (6,115,611).

Regarding claim 1, Kimoto et al. disclose a method of retrieving location-centric information (accumulating unit 21 and retrieving unit 22, fig. 5, ref. 21D and 22D, col. 16, lines 34-50), comprising: providing information related to a geographic position of a wireless device (1F) to an information system (2D), (transmitting the position of the mobile terminal to the information center, col. 3, lines 15-20); receiving location-centric attribute information (utilizing information) from said information system (2D) related to a landmark (proposed landmarks, buildings) proximate to said geographic position (corresponding to the position information, col. 3, lines 22-25 and col. 49, lines 25-33).

Regarding claim 2, Kimoto et al. disclose said receiving location-centric attribute information (utilizing information) includes receiving information related to at least one of an interior feature, an exterior feature and a service feature (a service relating to a position information) related to said landmark (col. 3, lines 28-32 and col. 49, lines 25-33).

Regarding claim 3, Kimoto et al. disclose receiving location-centric attribute information includes receiving indicia of a plurality of features (information of facilities or a service) related to said landmark (col. 5, lines 59-63).

Regarding claim 4, Kimoto et al. disclose said method further comprising: receiving from a user a selection of one of said plurality of features (a user can access a plurality of lists, col. 40, lines 25-32); and receiving location-centric detailed feature information related to said selected feature (layer retrieving unit 531, col. 40, lines 63-67 and col. 41, lines 1-3).

Regarding claims 5 and 6, Kimoto et al. disclose the method, wherein said receiving location-centric detailed feature information includes receiving product and service information (detailed information about a building, structure, facility, services, menus) related to said selected feature (col. 38, lines 1-12, Figs. 14, 15, and 24, and col. 38, lines 13-20).

Regarding claim 7, Kimoto et al. disclose the method of providing location-centric information from an information system, the method comprising: a query from a wireless device (a request from the mobile terminal); receiving information related to a geographic position of the wireless device (position information to the terminal); and transmitting location-centric attribute information related to a landmark proximate to said geographic position (col. 11, lines 17-18).

Regarding claim 8, Kimoto et al. disclose said transmitting location-centric attribute information (position relating information) includes transmitting information

related to at least one of an interior feature, an exterior feature (map information) and a service feature (service program) related to said landmark (col. 55, lines 21-31).

Regarding claim 9, Kimoto et al. disclose said transmitting location-centric attribute information (position relating information) includes transmitting indicia (a number of pieces of information, such as map information, town information, or a service) of a plurality of features ((a number of pieces of information, such as map information, town information, or a service) related to said landmark (col. 41, lines 39-46, 57-63).

Regarding claim 10, Kimoto et al. disclose the method comprising receiving from a selection (the user accesses the information center with the mobile terminal) of one of said plurality of features (from a layer selection table or selection list). (Col. 40, lines 25-31.); and transmitting location-centric detailed feature information (the database, in turn, transmits identifiers of such layer lists back to the user display) related to said selected feature (col. 39, lines 50-52).

Regarding claim 11, Kimoto et al. disclose said transmitting location-centric detailed feature information (an up-load data transmitting unit for transmitting up-load data to the information center and an information/service utilizing unit for utilizing information/service from the information center), includes transmitting product information (map information, town information, service information) related to said selected feature (Col. 32, lines 62-67 and col. 3, line 1).

Regarding claim 12, Kimoto et al. disclose said transmitting location-centric detailed feature information includes transmitting service provider information related to said selected feature (Col. 8, lines 5-13).

Regarding claim 13, Kimoto et al. disclose a wireless device (Fig. 1, ref. 1), comprising: a transmitter (Fig. 2, ref. 1B) operable with a position determining system (Position information detecting unit (41), see also Fig. 7, ref. 41) capable of providing information related to a geographic position (mobile position information) of the wireless device to an information system (information center, col. 36, lines 54-61); and a receiver configured to receive from said information system at least one location identifier based on said geographic position (Col. 7, lines 52-56), said at least one location identifier (an physical address, a feature of the facility, map information, see also Fig. 7 and Figs. 13-14) being representative of a landmark proximate to said geographic position, and to receive location-centric attribute information related to said at least one location identifier (Col. 49, lines 25-3).

Regarding claim 14, Kimoto et al. disclose a wireless device, further comprising: a display (See Figs. 13, 24,24; and 37, ref. 443 and 59, ref. 63) configured to display said received at least one location identifier (Fig. 43, ref. 47c) and said received location-centric attribute information (Col. 31, lines 21-30); and an input device (Fig. 37, ref. 441 and Fig. 59, ref. 69).

Regarding claim 15, Kimoto et al. disclose a computer executable software code (See Fig. 54, ref. 11L) stored on a computer readable medium (See Fig. 54, ref. 1L) of a wireless device (See Fig. 54. ref. 1K), the code for: providing geographic position

information of a wireless device to an information system (position information according to a movement of the mobile terminal); receiving a plurality of location identifiers from said information system; and receiving location-centric information from said information system, said location-centric information related to a landmark proximate to the geographic position (Col. 12, lines 21-46).

Regarding claim 16, Kimoto et al. disclose the code further comprising code for: prompting a user to select one location identifier (Fig. 43, ref. 47c and Fig. 47, refs. J1, J2, K1, and K2) from the plurality of location identifiers; receiving location-centric attribute information (Col. 5, lines 59-63) related to said selected location identifier (a map position or facility; col. 38, lines 40-54); and displaying said received location-centric attribute information (See Figs. 23, ref. 47-1, 24).

Regarding claim 17, Kimoto et al. disclose a system comprising: an information database (Fig. 5, ref. 2D: information center) having location-centric attribute information (information located in the accumulating unit, Fig. 5, ref. 21D); a wireless device (Fig. 5, ref. 1H: mobile terminal) operable to provide geographic position information (position information) to said information database (Col. 3, lines 17-20) and to receive from said information database at least one location identifier (Col. 3, lines 22-25) based on said geographic position, said location identifier being representative of a landmark proximate to said geographic position (Col. 3, lines 20-23 and col. 7, lines 52-56)).

Regarding claim 18, Kimoto et al. disclose said wireless device is operable to receive location-centric attribute information related to said at least one location identifier (Col. 7, lines 52-56).

Regarding claim 19, Kimoto et al. disclose a method of retrieving provider information, comprising: providing information related to a geographic position of a wireless device to an information system (Col. 3, lines 15-20); receiving location-centric attribute information from said information system (Col. 3, lines 22-28), said location-centric attribute information being related to a dwelling (landmark, building, structure) proximate to said geographic position (Col. 5, lines 59-63); receiving an attribute request, the attribute request indicating at least a portion of the location-centric attribute information (Col. 11, lines 10-18); and displaying detailed provider information uniquely associated with the at least a portion of the location-centric attribute information indicated by the attribute request (Col. 35, lines 51-60, see also Fig. 15).

Regarding claim 20, Kimoto et al. further disclose the method comprising: receiving at least one location identifier from said information system based on said geographic position, said location identifier being representative of said dwelling proximate to said geographic position (Col. 11, lines 10-18 and col. 35, lines 51-60, see also Fig. 12, ref. S18 and Fig. 14, ref. 47-1: LCD).

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-20 are rejected under the judicially created doctrine of double patenting over claims 1-28 of U. S. Patent No. 6,496,776 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: Claim 1, a method of retrieving location-centric

information, comprising: providing information related to a geographic position of a wireless device to an information system; and receiving location-centric attribute information from said information system related to a landmark proximate to said geographic position. Claim 2, said receiving location-centric attribute information includes receiving information related to at least one of an interior feature, an exterior feature and a service feature (one location identifier) related to said landmark.

Regarding claim 3, receiving location-centric attribute information (location identifier) includes receiving indicia of a plurality of features (street address, a historic place, building name) related to said landmark. Claim 4, said method further comprising: receiving from a user a selection of one of said plurality of features (location identifiers); and receiving location-centric detailed feature information related to said selected feature (location identifiers). Claim 5, the method, wherein said receiving location-centric detailed feature information (location identifier) includes receiving product (street address) and service information (residential unit information) related to said selected feature. Claim 6, the method, wherein said receiving location-centric detailed feature information (residential unit information) includes receiving product (floor plan, physical description, price) and service information related to said selected feature. Claim 7, the method of providing location-centric information from an information system, the method comprising: a query from a wireless device; receiving information related to a geographic position of the wireless device; and transmitting location-centric attribute information (location identifier) related to a landmark proximate to said geographic position. Claim 8, said transmitting location-centric attribute information (location

identifier) includes transmitting information (residential unit information) related to at least one of an interior feature, an exterior feature and a service feature (residential unit information) related to said landmark. Claim 9, said transmitting location-centric attribute information (position relating information) includes transmitting indicia of a plurality of features (residential unit information) related to said landmark. Claim 10, the method comprising receiving from a selection of one of said plurality of features (location identifiers); and transmitting location-centric detailed feature related to said selected feature. Claim 11, said transmitting location-centric detailed feature information) location identifier), includes transmitting product information (street address, building name) related to said selected feature. Claim 12, said transmitting location-centric detailed feature information includes transmitting service provider information related to said selected feature. Claim 13, a wireless device, comprising: a transmitter operable with a position determining system capable of providing information related to a geographic position of the wireless device to an information system; and a receiver configured to receive from said information system at least one location identifier based on said geographic position, said at least one location identifier being representative of a landmark proximate to said geographic position, and to receive location-centric attribute information related to said at least one location identifier. Claim 14, a wireless device, further comprising: a display configured to display said received at least one location identifier and said received location-centric attribute information; and input device. Claim 15, a computer executable software code stored on a computer readable medium of a wireless device, the code for: providing geographic position information of a wireless

device to an information system; receiving location-centric attribute information (a plurality of location identifiers) from said information system; and receiving location-centric information from said information system, said location-centric information related to a landmark proximate to the geographic position. Claim 16, the code further comprising code for: prompting a user to select one location identifier from the plurality of location identifiers; receiving location-centric attribute information related to said selected location identifier; and displaying said received location-centric attribute information. Claim 17, disclose a system comprising: an information database having location-centric attribute information; a wireless device operable to provide geographic position information to said information database and to receive from said information database at least one location identifier based on (according to) said geographic position, said location identifier being representative of a landmark proximate to said geographic position. Claim 18, said wireless device is operable to receive location-centric attribute information related to said at least one location identifier (landmark). Claim 19, a method of retrieving provider information, comprising: providing information related to a geographic position of a wireless device to an information system; receiving location-centric attribute information from said information system, said location-centric attribute information being related to a dwelling (landmark) proximate to said geographic position; receiving an attribute request, the attribute request indicating at least a portion of the location-centric attribute information; and displaying detailed provider information uniquely associated with the at least a portion of the location-centric attribute information indicated by the attribute request. Claim 20, the method comprising:

receiving at least one location identifier from said information system based on said geographic position, said location identifier being representative of said dwelling (particular unit of real state) proximate to said geographic position

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application, which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to address, product, location information retrieval methods and systems.

US Pat. 6,029,069 to Takaki

Specifying name and a location of a
building

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


SINH TRAN
PRIMARY EXAMINER

JP
10/17/03

Application/Control Number: 09/774,119
Art Unit: 2681

Page 14

USPTO
JAN 22 2004
PATENT & TRADEMARK OFFICE

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	09/774,119
				Filing Date	January 31, 2001
				First Named Inventor	Brad W. BLUMBERG et al.
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	1	of	3	Attorney Docket Number	SMTR001/02US

[illegible][illegible]

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number.

² See attached Kinds of U.S. Patent Documents.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

⁶ Applicant is to place a check mark here if English language Translation is attached.

plus sign (+) inside this box

A circular stamp from the Office of Intellectual Property (OIPE). The text "OIPE" is at the top, "JUL 15 2001" is in the center, and "PATENT & TRADEMARK OFFICE" is at the bottom.

Substitute for form 1449A/PTO

...*(use as many sheets as necessary)*

Application Number	09/774,119
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Filing Date	January 31, 2001
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First Named Inventor	Brad W. BLUMBERG et al.
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Group Art Unit	2172
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Examiner Name	Unassigned
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Attorney Docket Number	SMTR001/02US
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Sheet	1	of	1
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Technology Center 2100

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number.

² See attached Kinds of U.S. Patent Documents.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

⁶ Applicant is to place a check mark here if English language Translation is attached.

JAN 22 2004

PATENT & TRADEMARK OFFICE

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	1
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Complete if Known

Application Number	09/774,119
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Filing Date	January 31, 2001
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First Named Inventor	Brad W. BLUMBERG et al.
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Group Art Unit	2172
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Examiner Name	Unassigned
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Attorney Docket Number	SMTR001/02US
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U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner
Signature**

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number.

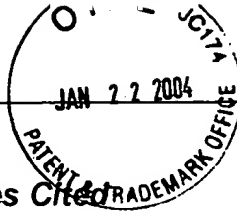
² See attached Kinds of U.S. Patent Documents.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

⁶ Applicant is to place a check mark here if English language Translation is attached.



Notice of References Cited

Application/Control No. 09/774,119	Applicant(s)/Patent Under Reexamination BLUMBERG ET AL.	
Examiner Julio R Perez	Art Unit 2681	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,938,721	08-1999	Dussell et al.	701/211
	B	US-5,852,810	12-1998	Sotiroff et al.	705/27
	C	US-5,930,699	07-1999	Bhatia, Ranjit	455/456.3
	D	US-6,564,143	05-2003	Alewine et al.	701/207
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

COOLEY GODWARD LLP - RESTON

MAIL LOG

U.S. AND FOREIGN MAIL RECEIVED ON:

Friday, October 24, 2003

Doc Date	Docket #	To	From	Description	Delivered to
10/23/03	[REDACTED]	CG	PTO	Office Action	EBM/lhd
10/22/06	[REDACTED]	CG	PTO	Notice of Recordation	FVP/lhd
10/3/03	[REDACTED]	CG	WIPO	Receipt of Record copy	SRO/krf
10/3/03	[REDACTED]	CG	WIPO	Receipt of Record copy	ARS/jla
10/23/03	[REDACTED]	CG	Commissioner for Patents	Written opinion	CRH/lhd
10/13/03	[REDACTED]	CG	Shanghai Patent & Trademark	Confirmation of filing Request for Substantive Examination	PWM/dab
10/9/03	[REDACTED]	CG	Schneiders & Behrendt	Acknowledge receipt of our instructions to attend to payment of Maintenance fee	WOS/sb
10/14/03	[REDACTED]	CG	CCPIT	Reminder of Extension of the Chinese Patent Application in HK	TDF/dab
10/24/03	[REDACTED]	Cg	Tiplo	[REDACTED]	ARS/jla

COOLEY GODWARD LLP – RESTON

MAIL LOG

U.S. AND FOREIGN MAIL RECEIVED ON:

Friday, October 24, 2003

Doc Date	Docket #	To	From	Description	Delivered to
10/24/03	[REDACTED]	CG	D.P. Ahuja & Co.	Confirmation of filing a request for examination	ARS/jla

**COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Monday, October 27, 2003**

Doc Date	Docket #	To	From	Description	Delivered to
10/14/03	[REDACTED]	CG	PTO	Stamped return receipt post card for Revocation and New Power by Assignee	CAN/dh
10/23/03	[REDACTED]	CG	PTO	Notice of Recordation of Assignment	BPB/sb
10/23/03	[REDACTED]	CG	PTO	Notice of Recordation Assignment	ARS/jla
10/23/03	[REDACTED]	CG	PTO	Notice of Recordation Assignment	ARS/jla
10/23/03	[REDACTED]	CG	PTO	Notice of Recordation Assignment	ARS/jla
10/24/03	[REDACTED]	CG	PTO	Notice to file missing parts ; Filing Receipt	ARS/jLa
10/24/03	[REDACTED]	CG	PTO	Notice of Acceptance of POA	CAN/dh
10/24/03	[REDACTED]	CG	PTO	Notice of Acceptance of POA	CAN/dh
10/24/03	[REDACTED]	CG	PTO	Notice of Acceptance of POA	ARS/jla

**COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Monday, October 27, 2003**

Doc Date	Docket #	To	From	Description	Delivered to
10/24/03	[REDACTED]	CG	PTO	Notice of Acceptance of POA	CAN/dh
10/24/03	[REDACTED]	CG	PTO	Office Action	EBM/lhd
10/20/03	[REDACTED]	CG	Russell Reyneke	Confirmation of Renewal fee payment and filing a copy of the IPER	SRO/krf
10/20/03	[REDACTED]	CG	Russell Reyneke	Confirmation of submitting a list of the references cited	TDF/dab
10/20/03	[REDACTED]	CG	Russell Reyneke	Confirmation of submitting a list of the references cited	TDF/dab
10/20/03	[REDACTED]	CG	Russell Reyneke	Confirmation of submitting a list of the references cited	TDF/dab
10/20/03	[REDACTED]	CG	Russell Reyneke	Confirmation of submitting a list of the references cited	TDF/dab
10/20/03	[REDACTED]	CG	Russell Reyneke	Confirmation of filing	JPB/sb
10/20/03	[REDACTED]	CG	Russell Reyneke	Letter informing that the priority application has been corrected	EBM/lhd

**COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Monday, October 27, 2003**

Doc Date	Docket #	To	From	Description	Delivered to
10/15/03	[REDACTED]	CG	Blake, Cassels & Graydon LLP	Confirmation of Maintenance fee payment	EBM/lhd
10/24/03	[REDACTED]	CG	Darby & Darby	Letter from PTO informing that the references submitted with the IDS were considered by the Examiner	TDF/dab
10/20/03	[REDACTED]	CG	Tiplo	Letter requesting two sets of duly signed agreement	ARS/jla
10/20/03	[REDACTED]	CG	Tiplo	[REDACTED]	ARS/ kjls
10/13/02	[REDACTED]	CG	Gorodissky	Letter informing that the Examination was requested	ARS/jla
10/17/03	[REDACTED]	CG	Marks & Allenq	Official action deadline for response 11/10/03	SRO/krf
10/27/3	[REDACTED]	CG	Reddie & Grose	Confirmation filing	EBM/lhd

**COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Tuesday, October 28, 2003**

Doc Date	Docket #	To	From	Description	Delivered to
10/27/03	[REDACTED]	CG	PTO	Restriction Requirement	WOS/sb
10/21/03	[REDACTED]	CG	Immersion Corporation	Advisory Action	CRH/lhd
9/30/03		CG	PTO	Monthly Statement	BJD
10/20/03	[REDACTED]	CG	Patentanw. J. Fiener et col.	Letter informing that EPO postponed the issuance of the Supplementary ESR unit June 2004	CRH/lhd
10/17/03	[REDACTED]	CG	FB Rice & Co	Acknowledge receipt of out facsimile Re: the outstanding examination report and requesting instructions to file divisional applications	FCC/dab
10/20/03	[REDACTED]	CG	Marks & Clerk	Letter enclosing official Search Report	SRO/krf
10/28/03	[REDACTED]	CG	Panamericana de Patentes	Confirmation of filing POA; Assignment of Inventors; Formal Drawings and Correction of inventorship	FCC/dab
10/21/03	[REDACTED]	CG	Reddie & Grose	Re-Publication notice	CAN/dh
10/22/03	[REDACTED]	CG	Adati & Kazahaya	Confirmation of filing IPER form	FCC/dab

**COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Tuesday, October 28, 2003**

Doc Date	Docket #	To	From	Description	Delivered to
10/28/03	[REDACTED]	CG	AJ Park	Confirmation of filing a copy of ISR	ARS/jla
10/27/03	[REDACTED]	CG	China Patent Agent	Publication notice	CRH/lhd
10/28/03	[REDACTED]	CG	Pizzeys	Filing Receipt	JPB/sb
10/27/03	[REDACTED]	CG	Clarke, Modet & Co.	Confirmation of filing	ARS/jla

**COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Wednesday, October 29, 2003**

Doc Date	Docket #	To	From	Description	Delivered to
10/29/03	[REDACTED]	CG	PTO	Letters Patent	TDF/dab
10/23/03	[REDACTED]	CG	PTO	Notice of Publication	SRO/krf
10/23/03	[REDACTED]	CG	CG/BD	PTO filing for new provisional application	WOS/sb
10/27/03	[REDACTED]	CG	WIPO	Letter informing that a Power of Attorney is needed to authorize us to act on behalf of the applicant	TDF/dab
10/28/03	[REDACTED]	CG	Smart & Biggar	Maintenance fee reminder	EBM/lhd
10/27/03	[REDACTED]	CG	Reddie & Grose	Notice of Allowance	CRH/lhd
10/29/03	[REDACTED]	CG	Tiplo	Confirmation of filing	ARS/jla
10/27/03	[REDACTED]	CG	Commissioner for Patents	Receipt of Demand	TDF/dab
10/29/03	[REDACTED]	CG	Tiplo	Confirmation of filing	ARS/jla

**COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Wednesday, October 29, 2003**

Doc Date	Docket #	To	From	Description	Delivered to
10/22/03	[REDACTED]	CG	Gowlings	Invoice	CAN/dh
10/22/03	[REDACTED]	CG	Gill Jennings & Every	Confirmation of payment of the 5 th annuity	EBM/lhd
10/20/03	[REDACTED]	CG	Blake, Cassels & Graydon LLP	Letter confirming that the cover sheets of the U.S. and European patents filed to show the art cited	CRH/lhd

**COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Thursday, October 30, 2003**

Doc Date	Docket #	To	From	Description	Delivered to
10/28/03	[REDACTED]	CG	PTO	Soft copies	TDF/dab
10/20/03	[REDACTED]	CG	PTO	[REDACTED]	EBM/lhd
10/30/03	[REDACTED]	CG	PTO	Certificate of correction	SRO/krf
10/28/03	[REDACTED]	CG	Commissioner for Patents	International Preliminary Examination Report	TDF/dab
10/28/03	[REDACTED]	CG	Daniel Advogados	Reminder to pay the 3 rd annuity	PWM/dab
10/30/03	[REDACTED]	CG	TMI Associates	Confirmation of filing a demand for an appeal on claim 8 through claim 19 and received an amendment order to file an appeal brief	TDF/dab
10/29/03	[REDACTED]	CG	Pizzeys	Office Action due by 10/22/04	EBM/lhd
10/24/03	[REDACTED]	CG	Forrester & Boehmert	Published European Application	CRH/lhd
10/28/03	[REDACTED]	CG	PTO	Licence for foreign filing is GRANTED	FCC/dab

COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Thursday, October 30, 2003

Doc Date	Docket #	To	From	Description	Delivered to
10/28/03	[REDACTED]	CG	PTO	Licence for foreign filing is GRANTED	ARS/jla

**COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Friday, October 31, 2003**

Doc Date	Docket #	To	From	Description	Delivered to
10/27/03	[REDACTED]	CG	PTO	Stamped return receipt post card for Issue fee	CAN/dh
10/30/03	[REDACTED]	CG	PTO	Office Action	CRH/lhd
10/30/03	[REDACTED]	CG	PTO	Notice of Allowance	CRH/lhd
10/29/03	[REDACTED]	CG	PTO	Advisory Action	CRH/lhd
10/30/03	[REDACTED]	CG	PTO	Advisory Action	EBM/lhd
10/30/03	[REDACTED]	CG	Commissioner for Patents	International Search Report	CRH/lhd

**COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Monday, November 3, 2003**

Doc Date	Docket #	To	From	Description	Delivered to
10/27/03	[REDACTED]	CG	PTO	[REDACTED]	TDF/dab
10/28/03	[REDACTED]	CG	PTO	Stamped return receipt post card for Restriction Requirement filing	CAN/dh
10/28/03	[REDACTED]	CG	PTO	Stamped return receipt post card for Restriction Requirement filing	CAN/dh
10/23/03	[REDACTED]	CG	PTO	[REDACTED]	WOS/sb
10/24/03	[REDACTED]	CG	PTO	[REDACTED]	FCC/dab
11/3/03	[REDACTED]	CG	PTO	Maintenance fee Statement	PWM/dab
10/31/03	[REDACTED]	CG	PTO	Office Action	FCC/dab
10/1/03	[REDACTED]	CG	PTO	Notice of Allowance	ARS/jla
10/30/03	[REDACTED]	CG	PTO	Issue Notification	TDF/dab

**COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Monday, November 3, 2003**

Doc Date	Docket #	To	From	Description	Delivered to
10/31/03	[REDACTED]	CG	PTO	Filing Receipt	ARS/jla
10/27/03	[REDACTED]	CG	CG/BD	PTO filing for Issue fee	CAN/dh
10/27/03	[REDACTED]	CG	CG/BD	PTO filing for Response to Restriction Requirement	CAN/dh
10/27/03	[REDACTED]	CG	CG/BD	PTO filing for Response to Restriction Requirement	CAN/dh
10/31/03	[REDACTED]	CG	PTO	Notice of abandonment	SRO/krf
10/28/03	[REDACTED]	CG	PTO	Licence for foreign filing	EBM/lhd
10/27/03	[REDACTED]	CG	Tiplo	[REDACTED]	ARS/jla
10/27/03	[REDACTED]	CG	Tiplo	[REDACTED]	ARS/jla
10/24/03	[REDACTED]	CG	Tiplo	[REDACTED]	ARS/jla

**COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Monday, November 3, 2003**

Doc Date	Docket #	To	From	Description	Delivered to
10/29/03	[REDACTED]	CG	Tiplo	Confirmation of filing	ARS/jla
10/08/03	[REDACTED]	CG	D.P. Ahuja & Co.	Filing Receipt	FCC/dab
10/12/03	[REDACTED]	CG	CPA	Electronic Official Receipt	BJD
10/29/03	[REDACTED]	CG	Tiplo	Confirmation of filing	ARS/jla
10/22/03	[REDACTED]	CG	Reddie & Grose	Reminder: EPO deadline of 11/17/03 for filing amended claims	TDF/dab
11/03/03	[REDACTED]	CG	Grunecker	Acknowledge receipt of our email re 3 rd annuity payment	SRO/krf
10/31/03	[REDACTED]	CG	Cruikshank & Fairweather	Letter informing the deadline for responding to the examination report issued is 12/22/03	CRH/lhd
11/3/03	[REDACTED]	CG	Pizzeys	Reminder to file request for examination by 4/30/04	ARS/jla
10/31/03	[REDACTED]	CG	Russell Reyneke	Confirmation of filing	ARS/jla

**COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Monday, November 3, 2003**

Doc Date	Docket #	To	From	Description	Delivered to
10/31/03	[REDACTED]	CG	Russell Reyneke	Confirmation of filing	ARS/jla
10/10/03	[REDACTED]	CG	EPO	Withdrawal notice	CAN/dh
10/21/03	[REDACTED]	CG	Busco Marcase Patentes	Renewal Receipt	ARS/jla
10/27/03	[REDACTED]	CG	Grunecker	Letter confirming that this case will be removed from their annuity watch system	TDF/dab
10/27/03	[REDACTED]	CG	Blake, Cassels & Graydon LLP	Confirmation of filing a request for expedited prosecution	TDF/dab
10/31/03	[REDACTED]	CG	Clarke, Modet & Co.	Confirmation of filing	ARS/jla
10/31/03	[REDACTED]	CG	Clarke, Modet & Co.	Confirmation of filing	ARS/jla

**COOLEY GODWARD LLP – RESTON
MAIL LOG
U.S. AND FOREIGN MAIL RECEIVED ON:
Friday January 09, 2004**

Doc Date	Docket #	To	From	Description	Delivered to
1/1/04	[REDACTED]	CG	PTO	Notice of Publication of Application	PWM/dab
1/8/04	[REDACTED]	CG	PTO	Filing Receipt	ARS/jla
1/1/04	[REDACTED]	CG	PTO	Notice of Publication of Application	WOS/sb
1/1/04	[REDACTED]	CG	PTO	Notice of Publication of Application	CAN/dh
1/8/04	[REDACTED]	CG	PTO	Filing Receipt	PWM/dab
10/24/03	SMTR-001/02US	CG	PTO	Office Action	EBM/lhd
12/24/03	[REDACTED]	CG	PTO	Office Action	FVP/lhd
1/6/04	[REDACTED]	CG	PTO	Notice of Recordation of Assignment Document	WOS/sb
11/28/03		CG	PTO	Monthly Statement	BJD

COOLEY GODWARD LLP – RESTON MAIL LOG U.S. AND FOREIGN MAIL RECEIVED ON: Friday January 09, 2004					
Doc Date	Docket #	To	From	Description	Delivered to
1/9/04	[REDACTED]	CG	PTO	Receipt for a Certificate of Correction	FCC/dab
1/9/04	[REDACTED]	CG	Tiplo	Confirmation of filing	FCC/dab
1/5/04	[REDACTED]	CG	Reddie & Grose	Letter enclosing the granted patent document	EBM/lhd
12/22/03	[REDACTED]	CG	Jeremy M. Ben-David & Co. Ltd.	Letter informing that the examination of this application has been completed and requesting instructions to pay the publication fee	EBM/lhd

2681



Attorney Docket No. SMTR001/02US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9
ade

In re application of Brad W. BLUMBERG et al.

Serial No.: 09/774,119

Examiner: Julio R. Perez

Confirmation No.: 1143

Art Unit: 2681

Filed: January 31, 2001

For: **POSITION-BASED INFORMATION ACCESS DEVICE AND METHOD
OF SEARCHING**

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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JAN 23 2004

Technology Center 2600

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FEB 10 2004

DIRECTOR OFFICE

TECHNOLOGY CENTER 2600

TRANSMITTAL OF DOCUMENTS

Enclosed for the above-identified patent application is:


- [x] Petition to Reset a Period for Reply Due to Late Receipt of an Office Action Under MPEP § 710.06
- [x] Exhibit A – Copy of the Office Action having the date of receipt at the correspondence address stamped thereon;
- [x] Exhibits B - H – Mail Logs for October 24, and 27-31, 2003 and November 3, 2003 listing all patent-related mail received at the correspondence address between October 24 and November 3, 2003;
- [x] Exhibit I – Mail log listing all patent-related mail received at the correspondence address on January 9, 2004; and
- [x] (1) Post Card Receipt

It is believed that no fees are required by this paper. Nevertheless, the Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: JANUARY 22, 2004

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Fax: (703) 456-8100

Respectfully submitted,
COOLEY GODWARD LLP

By: 
Erik B. Milch
Reg. No. 42,887